

# **EXHIBIT 8**

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408

1 recreate parts of it in order to come to the invention  
2 reflected in the patent?

3 MR. ROBERTSON: No, Your Honor. Thank you.

4 THE COURT: Then go on back to that list.

5 MR. ROBERTSON: Thank you, sir.

6 BY MR. ROBERTSON:

7 Q Did you also have anything to do with creating a  
8 catalog database?

9 A Yes.

10 Q Now, Fisher-Scientific -- well, let me complete  
11 the list. Your Honor is exactly right.

12 Did you also have anything to do with the ability  
13 to search product catalogs?

14 A Yes.

15 Q Well, do you recall you mentioned this need to  
16 create a footer bar; is that right?

17 A Correct.

18 Q Did you have anything to do with creating what's  
19 known as a shell program that's disclosed in your  
20 invention?

21 A Yes.

22 Q Did the TV/2 program need to be modified in order  
23 to create order lists within a shell?

24 A Yes.

25 Q Did you have anything to do with modifying the

MOMYER - REDIRECT

409

1 TV/2 to create interfaces to update catalogs in EDI  
2 transactions?

3 A Yes.

4 Q Let's start with that are last one first. What's  
5 an EDI transaction?

6 A EDI stands for electronic data interchange.

7 Q What does that mean?

8 A It's a way to interact with separate companies  
9 without human intervention. It's computer-to-computer  
10 interactions that operate on a standard which is set  
11 by the X12 Committee, which is a United States  
12 standards setting body.

13 Q Do they have to have a common language to talk to  
14 each other?

15 A Well, they called it common transaction sets,  
16 which could be viewed as a language, but it's more of  
17 a structure that enables computers to understand  
18 messages between companies.

19 Q So they can communicate data?

20 A Yes.

21 Q Were you involved in assisting to modify the TV/2  
22 program with respect to that?

23 A We wrote programs that would take the EDI  
24 transaction, the price/sales catalog, and update  
25 vendors' catalogs based on information provided in

MOMYER - REDIRECT

411

1 of the shell was an IBM responsibility.

2 Q You also indicated that you needed to create this  
3 footer bar to work within the shell. Do you recall  
4 that?

5 A Yes.

6 Q Tell us the purpose of the footer bar within the  
7 shell program?

8 A The footer bar --

9 MR. McDONALD: It's irrelevant, Your Honor.  
10 The footer bar isn't at issue in this case.

11 THE COURT: Is it?

12 MR. ROBERTSON: Yes, it is, Your Honor. It  
13 has functionality in the system that you're going to  
14 hear from experts about that demonstrate infringement.

15 THE COURT: Overruled.

16 BY MR. ROBERTSON:

17 Q What's the purpose of the footer bar?

18 A The footer bar was a series of icons at the bottom  
19 of a screen that would assist the end user in  
20 navigating through the system with ease. It consisted  
21 of a catalog selection button, an order list button, a  
22 forward and backward button, a cancel button, and a  
23 help button.

24 Q It was a way to navigate through the program when  
25 you were performing the functionality of your

MOMYER - REDIRECT

412

1 invention?

2 A Correct.

3 Q Now, you mentioned also this catalog database. Do  
4 you recall that?

5 A Yes.

6 Q Fisher-Scientific had a very large paper catalog.

7 A Yes, they did. It was at least 2000 pages.

8 Q With tens of thousands of items offered by various  
9 vendors that Fisher distributed?

10 A Correct.

11 Q It also included Fisher products, correct?

12 A It did, yes.

13 Q Were you asked to provide that paper catalog to  
14 IBM so they could adapt it into a catalog database?

15 A Well, it was more than that. We were asked to  
16 provide the catalog in an electronic format to help  
17 them in creating the catalog database.

18 Q So just so I'm clear, did you have a  
19 responsibility for giving an electronic catalog of  
20 Fisher-Scientific, not a paper catalog that would then  
21 need to be scanned and included into it? Was that  
22 part of your responsibility?

23 A Yes. It was an electronic version of the paper  
24 catalog, and it was used by SteBo to actually create  
25 pages of the paper catalog.

1 REDIRECT EXAMINATION

2 BY MR. ROBERTSON:

3 Q With respect to this multiple catalog capability  
4 on TV/2, did TV/2 have the capacity to have multiple  
5 catalog data right off the shelf?

6 A No, I don't believe it did.

7 Q Did you have to do anything or assist in any way  
8 to modify TV/2 in order to be able to accommodate that  
9 size of data volume that would be involved in such a  
10 performance?

11 A Yes. There were two aspects of that. One was to  
12 create the functionality of the catalog icon which  
13 would open one or more catalogs to be searched or  
14 close catalogs if you didn't want that particular one  
15 searched.

16 And also Fisher had a requirement that the system  
17 would not be useful if you didn't provide a  
18 three-second response time back to the end user when  
19 it was searching catalogs. And my understanding is  
20 there was a problem with Technical Viewer once the  
21 entire Fisher catalog was loaded onto the system in  
22 obtaining a three-second response time. So a  
23 different indexing mechanism had to be developed to  
24 facilitate that requirement.

25 Q What was the indexing mechanism called?

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445

1 A It was called Super Index.

2 Q Were you involved at all on that project?

3 A Not -- well, only from the standpoint of it being  
4 a requirement of Fisher for Technical Viewer to  
5 achieve a three-second response time. But as far as  
6 designing the Super Index and coding it, no, that was  
7 Technical Viewer that was responsible for that.

8 Q So IBM was responsible for making that  
9 modification?

10 A Yes.

11 Q Were they made to make the TV/2 program more  
12 responsive in accordance with your requirement?

13 A Yes.

14 Q Was that necessary in order to accommodate the  
15 volume of catalog data?

16 A Yes.

17 Q Did you indicate that you had problems with this  
18 response time simply with just one catalog loaded on  
19 TV/2?

20 A I didn't. IBM indicated there was a problem and  
21 they wouldn't deliver the catalog until it was fixed.

22 So --

23 Q So they went about fixing it to your  
24 specifications?

25 A Yes.